

11/13/09

9A



**City of Santa Clara
PLANNING COMMISSION
Wednesday, December 10, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

Chairperson Fitch initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Chairperson Todd Fitch, Vice-Chairperson Teresa O'Neill, Commissioners Tony Marine, Keith Stattenfield, Frank Barcells, Robert Mayer, and Ian Champeny.

Staff present were Development Review Officer Gloria Sciara, Assistant City Attorney Julia Hill, and Office Specialist IV Susan Landers.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Ms. Sciara said that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Chairperson Fitch reviewed Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A) Withdrawals – Agenda Item #9. File: PLN2008-07336 Location: 928 Live Oak Drive
- B) Continuances without a hearing - None
- C) Exceptions (requests for agenda items to be taken out of order) - None

6. ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:
None

7. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Mr. Kevin Park expressed concern that all residents who would be affected by a project, including renters, be sent notifications about the projects.

Mr. James Rowen raised questions to consider if the notification to residents is to be expanded.

8. CONSENT CALENDAR

Commissioner Mayer pulled Item 8.E. off the Consent Calendar. Commissioner Marine made a motion to approve the Consent Calendar Items 8.A.-8.D., seconded by Vice-Chair

O'Neill, and the motion was approved unanimously.

Routine Items/Consent Calendar

- 8.A.** Planning Commission Minutes of November 12, 2008 – Approved as submitted.
- 8.B.** Planning Commission Minutes of November 19, 2008 – Approved as submitted.
- 8.C.** Amended Planning Commission Minutes of September 24, 2008 – Approved as submitted.

Public Hearing Items/Consent Calendar

- 8.D.** File: **PLN2008-07130**
Location: 2495 De La Cruz Boulevard, 19,602 square foot lot with 1, 154 square feet of building coverage (APN:230-47-0761) and is zoned ML (Light Industrial)
Applicant/Owner: Jeffrey Lee/Stephen Ng
Request: **Use Permit** to allow off-site beer and wine sales in conjunction with a remodel of an existing auto shop and two services bays into a convenience store as well as adding an additional building for oil changes.
CEQA Determination: Categorically exempt per Section 15303
Project Planner: Bridgette Carroll, Assistant Planner
Commission Action: **Approved, subject to conditions**
- 8.E.** File: **PLN2008-07310**
Location: 1398 Homestead Road, A 5,125 square foot parcel (APN:269-26-065) and is zoned R1-6L (single family residential)
Applicant/Owner: Sigrid Jacobsen
Request: **Variance** for an addition to a non conforming garage/accessory building which includes reduced rear and side setbacks, the rear yard coverage will be over 40% and the size of the accessory building will exceed the maximum size of 480 square feet.
CEQA Determination: Categorically Exempt per CEQA Section 15303
Project Planner: Bridgette Carroll, Assistant Planner

Summary of Discussion

Commissioner Mayer indicated he had spoken with the applicant but would be able to remain impartial. Commissioner Marine recused himself, as he lives within 500 feet of the property, and Commissioner Barcells recused himself, as his son owns property within 300 feet.

Commissioner Mayer said he would like to have a condition added for a deed restriction or covenant running with the land to specify that the garage will not be used as a separate dwelling unit.

Ms. Sciara presented background information on the project, the appropriateness of the request, and staff's recommendation for approval.

The applicant, Sigrid Jacobsen, said the property is an unusual-sized lot and related how the project would result in an enhancement to their living space. She was agreeable to the proposed added condition.

Action

The public hearing was closed, and Commissioner Stattenfield moved to approve the project, subject to conditions, with the added condition that there be a covenant running with the property specifying that the garage cannot be used as a separate dwelling unit. Vice-Chair O'Neill seconded the motion, and it was approved (5-0-2, with Commissioners Barcells and Marine abstaining).

*****End of Consent Calendar*****

9. File: **PLN2008-07336**
Location: 928 Live Oak Drive, a 6,660 square foot lot located on the west side of Live Oak Drive, approximately 60 feet south of Rustic Drive (APN: 290-41-009). Property is zoned R2-7L (Duplex).
Applicant/Owner: Michael Carbone
Request: **Variance** to allow reduced rear yard setback from 20 feet to 8 feet in conjunction with construction of a rear addition to existing duplex
CEQA Determination: Categorically Exempt per CEQA Section 15303
Project Planner: Judith Silva, Associate Planner
Commission Action: **Approved Withdrawal Request**

10. OTHER BUSINESS

A. Commission Procedures and Staff Communications

- i. Announcements/Other Items – None
- ii. Report of the Director of Planning and Inspection
 - City Council Actions – Ms. Sciara reported on the November 25th and December 2nd meetings.
 - Commission/Board Liaison and Committee Report - None
 - Commission/Committee Assignments - Assignments are reflected in the next three bulletpoint items.
 - Architectural Committee: Commissioners Stattenfield and Mayer (Barcells alternate) – No report
 - Station Area Plan: Commissioner Champeny – No report
 - General Plan sub-Committee: Commissioners Fitch and O'Neill (Champeny alternate) – Chairperson Fitch reported there would be a meeting on December 11th.
- iii. Commission Procedures
 - Planning Procedures
 - Work plan items
 - Commissioner Travel and Training reports
- iv. Upcoming agenda items – Ms. Sciara reported that the Augustine-Bowers project would be coming forward in the near future.

11. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Respectfully submitted:

Susan Landers

Susan Landers
Office Specialist IV

Approved:

Gloria Sciara
Gloria Sciara, AICP
Development Review Officer

Approved:

Gloria Sciara for
Kevin L. Riley, AICP
Director of Planning & Inspection